

ORDINANCE NO. 2003 - 066

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR COUNTY INITIATED CYPRESS CREEK ESL (2003-0031 LGA) MODIFYING PAGE 6 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 598.76 ACRES, GENERALLY LOCATED IN THE NORTHWEST QUADRANT OF INDIANTOWN ROAD AND JUPITER FARMS ROAD, FROM RURAL RESIDENTIAL, 1 UNIT PER 10 ACRES (RR-10) TO CONSERVATION (CON); PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 13 & 27 and July 11, 2003 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 21, 2003 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on October 8, 2003 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated October 3, 2003 which was the Department's written review of the proposed Comprehensive Plan amendments; and

1           WHEREAS, the written comments submitted by the Department of  
2 Community Affairs contained no objections to the amendments contained  
3 in this ordinance; and

4           WHEREAS, on November 24, 2003 the Palm Beach County Board of  
5 County Commissioners held a public hearing to review the written  
6 comments submitted by the Department of Community Affairs and to  
7 consider adoption of the amendments; and

8           WHEREAS, the Palm Beach County Board of County Commissioners has  
9 determined that the amendments comply with all requirements of the  
10 Local Government Comprehensive Planning and Land Development  
11 Regulations Act.

12           NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
13 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

14           Part I. Amendments to the Future Land Use Atlas of the Land Use  
15 Element of the 1989 Comprehensive Plan

16           The following amendments to the Land Use Element's Future Land  
17 Use Atlas are hereby adopted and attached to this Ordinance:

18           A.     Future Land Use Atlas page 6 is amended as follows:

19           Application No.:       Cypress Creek ESL   (2003-0031 LGA)

20           Amendment:           From Rural Residential, 1 unit per 10 acres  
21                                   (RR-10) to Conservation (CON);

22           General Location:      Northwest quadrant of Indiantown Road and  
23                                   Jupiter Farms Road;

24           Size:                 Approximately 598.76 acres;

25           Part II. Repeal of Laws in Conflict

26           All local laws and ordinances applying to the unincorporated area  
27 of Palm Beach County in conflict with any provision of this ordinance  
28 are hereby repealed to the extent of such conflict.

29           Part III. Severability

30           If any section, paragraph, sentence, clause, phrase, or word of  
31 this Ordinance is for any reason held by the Court to be  
32 unconstitutional, inoperative or void, such holding shall not affect  
33 the remainder of this Ordinance.

34           Part IV. Inclusion in the 1989 Comprehensive Plan

35           The provision of this Ordinance shall become and be made a part  
36 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the



1 Ordinance may be renumbered or relettered to accomplish such, and the  
2 word "ordinance" may be changed to "section," "article," or any other  
3 appropriate word.

4 Part V. Effective Date

5 The effective date of this plan amendment shall be the date a  
6 final order is issued by the Department of Community Affairs or  
7 Administration Commission finding the amendment in compliance in  
8 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is  
9 applicable. No development orders, development permits, or land uses  
10 dependent on this amendment may be issued or commence before it has  
11 become effective. If a final order of noncompliance is issued by the  
12 Administration Commission, this amendment may nevertheless be made  
13 effective by adoption of a resolution affirming its effective status,  
14 a copy of which resolution shall be sent to the Florida Department of  
15 Community Affairs, Division of Community Planning, Plan Processing  
16 Team. An adopted amendment whose effective date is delayed by law  
17 shall be considered part of the adopted plan until determined to be  
18 not in compliance by final order of the Administration Commission.  
19 Then, it shall no longer be part of the adopted plan unless the local  
20 government adopts a resolution affirming its effectiveness in the  
21 manner provided by law.

22 APPROVED AND ADOPTED by the Board of County Commissioners of  
23 Palm Beach County, on the 24 day of November, 2003.

24 ATTEST:

25 DOROTHY H. WILKEN, Clerk

26 PALM BEACH COUNTY, FLORIDA,

27 BY ITS BOARD OF COUNTY COMMISSIONERS

28 By: Linda Wilken

29 Deputy Clerk

30 Karen T. Marcus, Chair

31 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

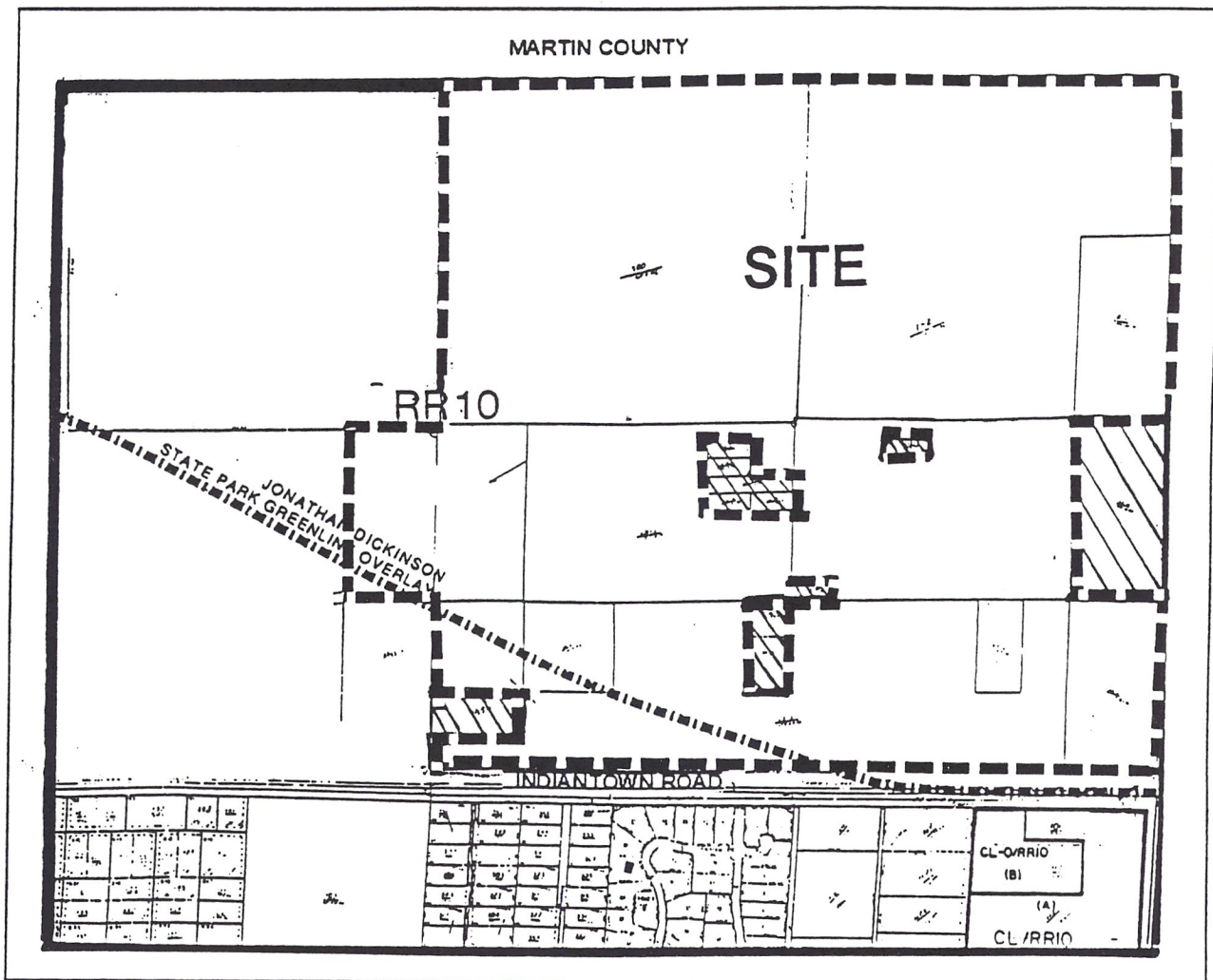
32 [Signature]  
33 COUNTY ATTORNEY

34 Filed with the Department of State on the 3 day  
35 of December, 2003.

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# EXHIBIT 1

**Amendment No.:** Cypress Creek ESL (2003-0031 LGA)  
**FLUA Page No.:** 6  
**Amendment:** From Rural Residential, 1 unit per 10 acres (RR-10) to Conservation (CON)  
**Location:** Northwest quadrant of Indiantown Road and Jupiter Farms Road  
**Size:** Approximately 598.76 acres total  
**Property No.:** 00-41-40-35-00-000-1000, 00-41-40-35-01-001-0010, 00-41-40-35-01-015-0010, 00-41-40-36-00-000-3000, 00-41-40-36-01-001-0020, 00-41-40-36-01-008-0010, 00-41-40-36-01-010-0010, 00-41-40-36-01-017-0010, 00-41-40-36-01-018-0010, 00-41-40-36-01-023-0010 and 00-41-40-36-01-024-0010



Parcels not included in the amendment.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
 I, DOROTHY H. WILKEN, ex-officio Clerk of the  
 Board of County Commissioners certify this to be a  
 true and correct copy of the original filed in my office  
 on November 24, 2003  
 DATED at West Palm Beach, FL on 12/17/03  
 DOROTHY H. WILKEN, Clerk  
 By: Wendy Brown D.C.